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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/041,021	01/07/2002	Pekka Marjola	0201US-Oplayo	2621
23521	7590	03/24/2005	EXAMINER	
SALTAMAR INNOVATIONS 30 FERN LANE SOUTH PORTLAND, ME 04106			LIN, KELVIN Y	
			ART UNIT	PAPER NUMBER
			2142	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.	10/041,021	
Examiner	MARJOLA, PEKKA	
Kelvin Lin	Art Unit 2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 1-43 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-43 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. 20012558.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date: ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/4/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____ .                                   |

## Detailed Action

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).
  - Claim number 20 is repeated. Therefore claims 19-42 have been renumbered to 19-43. And all the dependent claims number after claim 20 will be changed accordingly.
2. The above noted problems are not necessarily an exhaustive listing, but a meant to be exemplary of the types of errors present. It is incumbent upon an applicant to ensure that any amendment filed resolves all deficiencies and places the claims in compliance with 35 USC 112.
3. Appropriate correction is required

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-43 are rejected under 35 USC 102(e) as being anticipated by Saindon et al., (US Patent No. 6820055).
3. Regarding claim 1, Saindon teaches an arrangement for delivering at least one live presentation to at least one subscriber, via a network having at least one web server and at least one encoding element connected thereto, the arrangement comprises:
  - a stream receiver module adapted to receiving continuous presentation data from the encoding element (Saindon, col.14, l.7-14);
  - a presentation arranger adapted to arrange the presentation data into a plurality of presentation files, said arranger also adapted to define a current presentation file (Saindon, col.2, l.50-55, l.63-65, col.23, l.8-12);

- a delivery module is constructed to deliver the presentation files, starting from the current presentation file, responsively to requests from a subscriber (Saindon, col.12, l.61-64).
4. Regarding claim 2, Saindon further discloses an arrangement according to claim 1, wherein said delivery module is adapted to begin delivery of the content of a presentation file prior to completion of forming of said file (Saindon, col.7, l.8-12).
5. Regarding claim 3, Saindon further discloses an arrangement according to claim 2, characterized in that an index, which is updated frequently, containing information of the current presentation file is used for defining the first presentation file for the delivering to the subscriber (Saindon, col. 11, l.38-43, col.19, l.12-16, l.19-21.).
6. Regarding claim 4, Saindon further discloses an arrangement according to claim 3, characterized in that the index is an index file (Saindon, col. 11, l.38-43, col.19, l.12-16, l.19-21, the text file (or box) works as index files can be search and edit etc..)..
7. Regarding claim 5, Saindon further discloses an arrangement according to claim 4, characterized in that the index file is created in the encoding element, and sent frequently to the web server (Saindon, col. 13, l.30-41).
8. Regarding claim 6, Saindon further discloses an arrangement according to claim 1, characterized in that at least one of said requests is an HTTP GET method containing path information pointing to the presentation (Saindon, col.8, l.58-60).

9. Regarding claim 7, Saindon further discloses an arrangement according to claim 6, characterized in that the path information contains the name of the presentation (Saindon, col.8, l.61-64).
10. Regarding claim 8, Saindon further discloses an arrangement according to claim 4, characterized in that after receiving the request the delivery module sends the index file as a response to the subscriber (Saindon, col.21, l.11-20).
11. Regarding claim 9, Saindon further discloses an arrangement according to claim 8, further comprising a player module in the subscriber terminal for playing the presentation and requesting the presentation files said player constructed to request the first file of the presentation based on initial information contained in said index file (Saindon, col.3, l.49-59, col.24, l.1-11).
12. Regarding claim 10, Saindon further discloses an arrangement according to claim 9, wherein said player is constructed to deduce the desired subsequent presentation files, including a request path information for the subsequent files, and request said subsequent files from said web server (Saindon, col.8, l.55-60).
13. Regarding claim 11, Saindon further discloses an arrangement according to claim 10, characterized in that said request path information contains fragment and segment information of the presentation file, the segment information indicating a part of the continuous data and the fragment information indicating a part of the segment information (Saindon, col.11, l.35-37, “.. copying portions of the text into a separate file location, that means fragmentation/ segmentation is a well known skill in the encoding technology”, col.16, l.19-22).

14. Regarding claim 12, Saindon further discloses an arrangement according to claim 11, wherein said delivery module is adapted to deliver to a player module presentation files related to the segment information, if no fragment information is provided within a request from a player (Saindon, col.16, l.19-22, “.. encodes a text stream. And multimedia information are then send, directly or indirectly to viewer, means send audio or video depends on the existence of fragment or segment).
15. Regarding claim 13, Saindon further discloses an arrangement according to claim 1, wherein at least a portion of said arranger resides on a first computer, and said stream receiver module and delivery module reside on a second computer (Saindon, col.2, l.53-59, col.12, l.31-33, col.13, l.15-18).
16. Regarding claim 14, Saindon further discloses an arrangement according to claim 13, wherein said first computer comprises a broadcaster (Saindon, col.18, l.16).
17. Regarding claim 15, Saindon further discloses an arrangement according to claim 2, characterized in that the delivery module comprises a CGI program (Saindon, col. 18, l.10-11, “..MICROSOFT and REAL streaming server that are server side solutions, a interface between Web server and CGI).
18. Regarding claim 16, Saindon further discloses an arrangement according to claim 14, characterized in that the delivery module comprises a CGI program (Saindon, col. 18, l.15, “..MICROSOFT POWERPOINT is also an CGI).
19. Regarding claim 17, Saindon further discloses an arrangement according to

claim 2, characterized in that the delivery module comprises a server extension (Saindon, col. 18, l.61-65).

20. Regarding claim 18, Saindon further discloses an arrangement according to claim 14, characterized in that the delivery module comprises a server extension (Saindon, col. 18, l.61-65).
21. Regarding claim 19, Saindon further discloses an arrangement according to claim 5, characterized in that the encoding element is constructed to create the index file and arrange the continuous data into entities defined in the index file (Saindon, col. 14, l.12-14).
22. Regarding claim 20, Saindon further discloses an arrangement according to claim 12, characterized in that the player is constructed to switch between requesting fragments to requesting segments (Saindon, col. 11, l.46-48).
23. Regarding claim 21 has similar limitations as claim 20. Therefore, Claim 21 is rejected for the same reasons set forth in the rejection of claim 20.
24. Regarding claim 22, Saindon further discloses an arrangement according to claim 1, further comprising a proxy through which the presentation files are delivered from the web server to the subscriber, the proxy being capable to save the presentation files (Saindon, col.19, l.58, "the media player acts as a proxy..", col. 20, l.4-10).
25. Regarding claim 23 has similar limitations as claim 22. Therefore, Claim 23 is rejected for the same reasons set forth in the rejection of claim

22.

26. Regarding claim 24 has similar limitations as claim 22. Therefore, Claim 24 is rejected for the same reasons set forth in the rejection of claim 22.
27. Regarding claims 25-33 have similar limitations as claims 1-3, 6-7, and 22-23. Therefore, Claims 25-33 are rejected for the same reasons set forth in the rejection of claims 1-3, 6-7, and 22-23.
28. Regarding claims 34-43 have similar limitations as claims 1-5, 11-12, 25, and 34. Therefore, Claims 34-43 are rejected for the same reasons set forth in the rejection of claims 1-5, 11-12, 25, and 34.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to application's disclosure.

- Chen et al., (US Patent No. 6249281) On-Demand Presentation Graphical User Interface.
- Bixby et al., (US Patent No. 6792047) Real Time Processing And Streaming of Spliced Encoded MPEG Video and Associated Audio.
- Bonomi et al., (US Patent No. 6769127) Method And System Delivering Media Services And Application Over Networks.
- Pulier et al., (US PG Pub No. 2004/0205116) Computer-Based Multimedia Creation, Management, and Deployment Platform.
- NPL – Tasaka, S., Single-Stream versus multi-stream for live media synchronization, Communications, 1998, ICC 98, Conference Record, 1998 IEEE International Conference on vol. 1, 7-11 June 1998 pp. 470-476.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 703-605-1726. The examiner can normally be reached on Flexible 4/9/5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey can be reached on 703-305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/14/05



JOHN HARVEY  
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